

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

**BRUCE A. WOLFFING
and MARY R. WOLFFING,
Appellants,**

V.

File No. 1:12-cv-209-jgm

**HSBC MORTGAGE SERVICES,
HOUSEHOLD BANK, FSB,
HOUSEHOLD FINANCE
CORPORATION II, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC. (MERS),
Appellees.**

ORDER

On July 30, 2012, the Appellants filed a Notice of Appeal of the judgment entered by the U.S. Bankruptcy Court dismissing with prejudice their adversary complaint. The notice stated Bruce A. Wolff's mailing address as P.O. Box 544, Littleton, NH 03561; Mary R. Wolff's address is listed as 299 Swamp Rd., Hinesburg, VT 05461. Doc. 1. The bankruptcy record on appeal was transmitted to the District Court on September 13, 2012. *Id.*

On November 13, 2012, the Appellants were ordered to serve and file their brief within 14 days. Doc. 2. On December 6, 2012, they were ordered to show cause in writing by December 21, 2012 why the appeal should not be dismissed for failure to pursue the appeal and comply with the November 13 order. Doc. 3. Both orders were mailed to Appellants by certified mail, return receipt requested, at the addresses

provided in the Notice of Appeal. On December 10, 2012, Mary Wolffing received the certified mailing addressed to Bruce A. Wolffing at the Littleton address. Doc. 4. On January 3, 2013, the certified mailing addressed to Mary R. Wolffing at the Hinesburg address was returned by the U.S. Postal Service as "Unclaimed, Unable to Forward." Doc. 8.

The Appellees filed a motion to dismiss the bankruptcy appeal for failure to prosecute on December 27, 2012 (Doc. 5) and mailed a copy to both Appellants at the Littleton address. The Appellants have not filed a timely response in opposition to the motion.

Accordingly, the Court grants the Appellees' motion to dismiss the appeal (Doc. 5) for failure on the part of the Appellants to prosecute it and comply with this Court's orders.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 4th day of February, 2013.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge